

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES INVESTOR PROTECTION  
CORPORATION,**

Plaintiff-Applicant,

v.

**BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,**

Defendant.

**IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff  
Investment Securities, LLC**

Plaintiff,

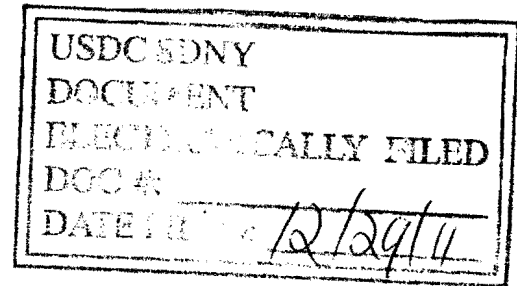
v.

**MICHAEL MATHIAS, INDIVIDUALLY and  
in his capacity as JOINT TENANT of the  
MICHAEL MATHIAS & STACEY  
MATHIAS J/T WROS,**

and

**STACEY MATHIAS, INDIVIDUALLY and  
in her capacity as JOINT TENANT of the  
MICHAEL MATHIAS & STACEY  
MATHIAS J/T WROS,**

Defendants.



Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04824 (BRL)

Civil Action No. 11-cv-04725 (JSR)

**STIPULATION AND ORDER DISMISSING CIVIL ACTION**

WHEREAS, on December 1, 2010, Irving H. Picard, as trustee (the "Trustee") for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.* and the substantively

consolidated estate of Bernard L. Madoff, commenced the above-captioned adversary proceeding (the "Adversary Proceeding") against Michael Mathias and Stacey Mathias ("Defendants") in the United States Bankruptcy Court for the Southern District of New York; and

WHEREAS, Defendants submitted to the Trustee a hardship application (the "Hardship Application") requesting that the Trustee agree to dismiss the Adversary Proceeding. In support of the Hardship Application, Defendants submitted to the Trustee financial statements and other information, all under penalty of perjury; and

WHEREAS, Defendants subsequently filed a motion to withdraw the reference and the District Court accepted the case assigning it the above-captioned civil action number (the "Civil Action"); and

WHEREAS, in reliance on the representations made by Defendants in the Hardship Application and other representations and/or materials submitted by Defendants in support of the Hardship Application, the Trustee in the exercise of his due and deliberate discretion has determined to dismiss the Civil Action;

IT IS HEREBY agreed and stipulated between the Trustee and Defendants as follows:

1. Defendants hereby affirm (i) that all representations made by Defendants and all materials provided by Defendants have been submitted by Defendants as true and correct under penalty of perjury and (ii) that the Trustee has relied upon these materials in exercising his discretion to dismiss the Civil Action.

2. To the extent it is subsequently determined that Defendants deliberately or intentionally submitted materially false and/or misleading representations, statements and/or materials in connection with the Hardship Application, Defendants hereby agree (i) that the Trustee shall have the right to reinstitute the Civil Action against Defendants and/or pursue other



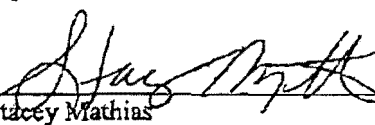
remedies available to him and (ii) that this Stipulation and Order shall act to toll any applicable statutes of limitation with respect to the Trustee's commencement of any such claims and, notwithstanding section 546(a) of the Bankruptcy Code, Defendants hereby agree to waive any statute of limitations defense in any such actions or claims commenced by Trustee.

3. Pursuant to Fed. R. Civ. P. 41(a), made applicable by Fed. R. Bankr. P. 7041(a), the Trustee and Defendants hereby agree that upon approval of this Stipulation and Order by the District Court, except as set forth in paragraph 2 hereof, Trustee's claims against Defendants are dismissed with prejudice.

4. This Agreement may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this stipulation shall be deemed an original.

5. This Stipulation and Order is subject to the approval of the District Court, failing which the provisions of the Stipulation and Order shall be void and of no effect.

Date: December 14<sup>th</sup>, 2011

<p>IRVING H. PICARD, TRUSTEE FOR THE SIPA LIQUIDATION OF BERNARD L. MADOFF INVESTMENT SECURITIES LLC</p> <p>By: </p> <p>David J. Sheehan Marc E. Hirschfield Donna A. Tobin BAKER &amp; HOSTETLER LLP 45 Rockefeller Plaza New York, New York Telephone: (212) 589-4200 Fax: (212) 589-4201</p> <p><i>Attorneys for Irving H. Picard, Esq., Trustee for the SIPA Liquidation of Bernard L. Madoff Investment Securities LLC</i></p>	<p>By: </p> <p>Michael Mathias Fort Pierce, Florida</p> <p><i>Defendant</i></p> <p>By: </p> <p>Stacey Mathias Fort Pierce, Florida</p> <p><i>Defendant</i></p>
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	<p>SEEGER WEISS LLP</p> <p>By: <u>Parvin K. Aminolroaya</u></p> <p>77 Water Street New York, New York 10005 Telephone: 212.584.0700 Facsimile: 212.584.0799 Stephen A. Weiss Email: sweiss@seegerweiss.com Parvin K. Aminolroaya Email: paminolroaya@seegerweiss.com Christopher M. Van de Kieft Email: cvandekieft@seegerweiss.com</p> <p><i>Attorneys for Defendants Michael Mathias and Stacey Mathias</i></p>
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SO ORDERED:

By:   
HON. JED S. RAKOFF  
UNITED STATES DISTRICT JUDGE

Date: 12/23/11